

108TH CONGRESS  
1ST SESSION

# H. R. 1460

To amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. RENZI (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Entrepre-  
3 neurship Act of 2003”.

4 **SEC. 2. AUTHORIZATION FOR STATE APPROVING AGENCIES**  
5 **TO APPROVE CERTAIN ENTREPRENEURSHIP**  
6 **COURSES.**

7 (a) APPROVAL OF ENTREPRENEURSHIP COURSES.—  
8 Section 3675 of title 38, United States Code, is amended  
9 by adding at the end the following new subsection:

10 “(c)(1) A State approving agency may approve the  
11 entrepreneurship courses offered by a qualified provider  
12 of entrepreneurship courses.

13 “(2) For purposes of this subsection, the term ‘entre-  
14 preneurship course’ means a non-degree, non-credit course  
15 of business education that enables or assists a person to  
16 start or enhance a small business enterprise.

17 “(3) Subsection (a) and paragraphs (1) and (2) of  
18 subsection (b) do not apply to—

19 “(A) an entrepreneurship course offered by a  
20 qualified provider of entrepreneurship courses; and

21 “(B) a qualified provider of entrepreneurship  
22 courses by reason of such provider offering one or  
23 more entrepreneurship courses.”.

24 (b) BUSINESS OWNERS NOT TREATED AS ALREADY  
25 QUALIFIED.—Section 3471 of such title is amended by in-  
26 serting before the last sentence the following: “The Sec-

1 retary shall not treat a person as already qualified for the  
2 objective of a program of education offered by a qualified  
3 provider of entrepreneurship courses solely because such  
4 person is the owner or operator of a business.”.

5 (c) INCLUSION OF ENTREPRENEURSHIP COURSES IN  
6 DEFINITION OF PROGRAM OF EDUCATION.—Subsection  
7 (b) of section 3452 of such title is amended by adding  
8 at the end the following: “Such term also includes any  
9 course, or combination of courses, offered by a qualified  
10 provider of entrepreneurship courses.”

11 (d) INCLUSION OF QUALIFIED PROVIDER OF ENTRE-  
12 PRENEURSHIP COURSES IN DEFINITION OF EDU-  
13 CATIONAL INSTITUTION.—Subsection (c) of section 3452  
14 of such title is amended by adding at the end the fol-  
15 lowing: “Such term also includes any qualified provider  
16 of entrepreneurship courses.”.

17 (e) DEFINITION OF QUALIFIED PROVIDER OF EN-  
18 TREPRENEURSHIP COURSES.—Section 3452 of such title  
19 is further amended by adding at the end the following new  
20 subsection:

21 “(h) The term ‘qualified provider of entrepreneurship  
22 courses’ means—

23 “(1) a small business development center de-  
24 scribed in section 21 of the Small Business Act (15  
25 U.S.C. 648), and

1 “(2) the National Veterans Business Develop-  
 2 ment Corporation (established under section 33 of  
 3 such Act (15 U.S.C. 657c)) insofar as the Corpora-  
 4 tion offers or sponsors an entrepreneurship course  
 5 (as defined in section 3675(c)(2) of this title).”.

6 (f) EFFECTIVE DATE.—The amendments made by  
 7 this section shall apply to courses approved by State ap-  
 8 proving agencies after the date of the enactment of this  
 9 Act.

10 **SEC. 3. ESTABLISHMENT OF SELF-EMPLOYMENT AS A VO-**  
 11 **CATIONAL GOAL FOR VETERANS RECEIVING**  
 12 **VOCATIONAL REHABILITATION.**

13 Section 3104 of title 38, United States Code, is  
 14 amended by adding at the end the following new sub-  
 15 section:

16 “(c) Any person entitled to a rehabilitation program  
 17 under this chapter may establish self-employment as a vo-  
 18 cational goal without regard to any requirement that the  
 19 person be unemployable.”.

20 **SEC. 4. PROCUREMENT PROGRAM FOR SMALL BUSINESS**  
 21 **CONCERNS OWNED AND CONTROLLED BY**  
 22 **SERVICE-DISABLED VETERANS.**

23 The Small Business Act (15 U.S.C. 631 et seq.) is  
 24 amended by redesignating section 36 as section 37 and  
 25 by inserting after section 35 the following new section:

1 **“SEC. 36. PROCUREMENT PROGRAM FOR SMALL BUSINESS**  
2 **CONCERNS OWNED AND CONTROLLED BY**  
3 **SERVICE-DISABLED VETERANS.**

4 “(a) SOLE SOURCE CONTRACTS.—In accordance with  
5 this section and notwithstanding any other provision of  
6 law, a contracting officer may award a sole source contract  
7 to any small business concern owned and controlled by  
8 service-disabled veterans if—

9 “(1) such concern is determined to be a respon-  
10 sible contractor with respect to performance of such  
11 contract opportunity and the contracting officer does  
12 not have a reasonable expectation that 2 or more  
13 small business concerns owned and controlled by  
14 service-disabled veterans will submit offers for the  
15 contracting opportunity;

16 “(2) the anticipated award price of the contract  
17 (including options) will not exceed—

18 “(A) \$5,000,000, in the case of a contract  
19 opportunity assigned a standard industrial clas-  
20 sification code for manufacturing; or

21 “(B) \$3,000,000, in the case of any other  
22 contract opportunity; and

23 “(3) in the estimation of the contracting officer,  
24 the contract award can be made at a fair and rea-  
25 sonable price.

1       “(b) RESTRICTED COMPETITION.—In accordance  
2 with this section and notwithstanding any other provision  
3 of law, a contracting officer may award contracts on the  
4 basis of competition restricted to small business concerns  
5 owned and controlled by service-disabled veterans if the  
6 contracting officer has a reasonable expectation that not  
7 less than 2 small business concerns owned and controlled  
8 by service-disabled veterans will submit offers and that the  
9 award can be made at a fair market price.

10       “(c) APPEAL BY ADMINISTRATOR.—Not later than 5  
11 days after the date on which the Administration is notified  
12 of a contracting officer’s decision not to award a contract  
13 opportunity under this section to a small business concern  
14 owned and controlled by service-disabled veterans, the Ad-  
15 ministrator may notify the contracting officer of the intent  
16 to appeal the contracting officer’s decision, and within 15  
17 days of such date the Administrator may file a written  
18 request for reconsideration of the contracting officer’s de-  
19 cision with the Secretary of the department or agency  
20 head.

21       “(d) RELATIONSHIP TO OTHER CONTRACTING PREF-  
22 ERENCES.—A procurement may not be made from a  
23 source on the basis of a preference provided under sub-  
24 section (a) or (b) if the procurement would otherwise be  
25 made from a different source under section 4124 or 4125

1 of title 18, United States Code, or the Javits-Wagner-  
2 O'Day Act (41 U.S.C. 46 et seq.).

3 “(e) ENFORCEMENT; PENALTIES.—Rules similar to  
4 the rules of paragraphs (5) and (6) of section 8(m) shall  
5 apply for purposes of this section.

6 “(f) CONTRACTING OFFICER.—For purposes of this  
7 section, the term ‘contracting officer’ has the meaning  
8 given such term in section 27(f)(5) of the Office of Federal  
9 Procurement Policy Act (41 U.S.C. 423(f)(5)).”.

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